



**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

**IN THE MATTER OF:**

**AMY WILKES,**

**Complainant,**

**AND**

**CHICAGO WHITE SOX, CHICAGO  
WHITE SOX, LTD., and CHISOX  
CORP.**

**Respondent.**

**Charge No. 2004CF1086  
ALS No. 04-445**

**RECOMMENDED ORDER AND DECISION**

On November 5<sup>th</sup>, 2004, Complainant, Amy Wilkes, through her counsel, filed a *Complaint of Civil Rights Violation* with the Commission. That complaint alleges that Respondents unlawfully discriminated against Complainant based on her sex (female).

This matter now comes on to be heard on the Illinois Department of Human Rights' Motion to Dismiss without Prejudice. That motion is now ready for decision.

**FINDINGS OF FACT**

The following facts were derived from the record file in this matter:

1. Complainant filed Charge No. 2004CF1086 with the Illinois Department of Human Rights (Department) on October 9<sup>th</sup>, 2003.
2. On December 23<sup>rd</sup>, 2003, pursuant to Section 7(A)-102(G)(1) of the Illinois Human Rights Act, the parties agreed to extend the Department's statutory 365-day investigation period by 180 days by signing a written extension. Due to administrative error, this written extension was not initially entered into the Department's computerized tracking system.

3. On September 20<sup>th</sup>, 2004, in error, the Department issued a computer generated letter to Complainant stating that if the Department had not completed its investigation by filing a complaint with the Commission or by issuing a notice of dismissal for lack of substantial evidence within the 365 days of the filing of the Charge, Complainant could file a complaint with the Commission.
4. On September 15<sup>th</sup>, 2004, the written 180-day extension referred to in finding of fact #2 above was entered into the Department's computerized tracking system.
5. On November 5<sup>th</sup>, 2004, pursuant to the September 20<sup>th</sup>, 2004 letter issued in error from the Department to the Complainant, Complainant filed the *Complaint of Civil Rights Violation* alleging sex discrimination.

#### **CONCLUSIONS OF LAW**

1. Under the Illinois Human Rights Act, the Department has jurisdiction to investigate charges for 365 days after the filing of the perfected charge plus any extensions agreed to by the parties. 775 ILCS 5/7(A)-102(G)(1).
2. Pursuant to the agreed 180-day written extension signed by the parties, referred to in finding of fact #2 above, the Department has jurisdiction over this matter until April 7<sup>th</sup>, 2005.
3. The Commission lacks jurisdiction over this matter because the November 5<sup>th</sup>, 2004 *Complaint of Civil Rights Violation* was filed prematurely.

#### **DISCUSSION**

Under the Illinois Human Rights Act, 775 ILCS 5/7(A)-102(G)(1), after a charge of discrimination has been properly filed, the Department - - within 365 days of the filing

or within any extension of that period agreed to in writing - - must either file a complaint with the Commission or dismiss the charge of discrimination with prejudice. In other words, the Department has 365 days to complete its investigation of the charge of discrimination and that 365 days can be extended if agreed to by the parties in writing. In this case, on December 23<sup>rd</sup>, 2003, the parties did agree in writing to allow the Department to continue its investigation of Charge No. 2004CF1086 for an additional 180 days. This fact is confirmed by the affidavit of Donald Harris, a Department Investigator, and the written extension form signed by the parties, both of which are attached to the Department's motion to dismiss. Due to oversight, initially, the written extension was not entered into the Department's computerized tracking system. As a result, a computer generated letter was sent to Complainant on September 20<sup>th</sup>, 2004 mistakenly informing her that she could file her own complaint with the Commission between 365 and 395 days following the filing of her charge of October 9<sup>th</sup>, 2003.

It is obvious that the instant *Complaint of Civil Rights Violation*, filed with the Commission on November 5<sup>th</sup>, 2004, was filed by Complainant's counsel in reliance on the Department's September 20<sup>th</sup>, 2004 letter that was issued to Complainant in error. Pursuant to the written 180-day extension agreed to by both parties, at present, the Department has jurisdiction over Charge No. 2004CF1086 until April 7<sup>th</sup>, 2005 and the Commission lacks jurisdiction over the November 5<sup>th</sup>, 2004 complaint.

### **RECOMMENDATION**

Based on the foregoing, it is recommended that the instant *Complaint of Civil Rights Violation*, ALS No. 04-445, be dismissed with prejudice. The underlying charge, 2004CF1086, however, should not be dismissed so that the Illinois Department of Human Rights can continue its investigation thereof.

**ENTERED: February 16<sup>th</sup>, 2005**

**HUMAN RIGHTS COMMISSION**

---

**MARIETTE LINDT  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION**